* **HIGH COURT OF DELHI : NEW DELHI**

\+ **WP(C) No. 6042/2007**

% Date of decision: August 17, 2007.

Parmod Kumar & Ors. ..... Petitioner

Through: Ms. Priyanka Bhardwaj, Advocate

versus

Union of India & Ors. ..... Respondent

Through: None

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HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE VIPIN SANGHI

1. Whether the Reporters of local papers may be allowed to see the judgment?

2. To be referred to Reporter or not?

3. Whether the judgment should be reported in the Digest?

A.K. SIKRI, J. (Oral)

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+CM No. 11210/2007(exemption)

Allowed, subject to all just exceptions. Application stands disposed of.

WP(C) No.6042/2007

1. The petitioners were engaged on casual basis through Employment Exchange. The respondents sent another requisition to the Employment Exchange with the intention to replace the petitioners with other casual workers.

2. Grievance of the petitioners was that they should not be replaced by other casual workers as they had preferential right to continue as casual workers till the time regular appointments are made and there is need for engaging the workers by the respondent on casual basis. The OA filed by the petitioners was disposed of on 3rd April, 2007 with the following directions:

> "It is clear from the above that applicants were appointed as casual labourers for short period and were issued I-Cards to facilitate their entry into the government Buildings. It is also true that they have not exhausted the departmental remedy available to them. In the facts of circumstances of the present case, the applicants may represent to the respondents setting out their claim. The respondents may consider their claim in preference to freshers an outsiders, in accordance with law."

3. The petitioners understood these abovesaid observations of the Tribunal to mean that on

making

representations, the respondents were directed to give preference to them over freshers and outsiders. According to the petitioners since respondents engaged some other persons, namely, freshers and outsiders, they filed Contempt Petition. This Contempt Petition was dismissed as withdrawn observing that petitioners had not made representations which they were directed to make, and which was to be considered by the respondents in a time-bound manner.

4. Petitioners, thereafter, made the representation dated 8.6.2007. Learned counsel for petitioners submits that this representation was ignored and juniors/freshers engaged.

5. In these circumstances, Miscellaneous Application was filed by the petitioner for clarification of order dated 3.4.2007 which has been dismissed by the Tribunal on 8.6.2007 holding that no clarification is required. Another Contempt Petition filed by the petitioner has also been dismissed on 25.7.2007 on the ground that there were no specific directions to the respondents.

6. Since the petitioners have now made representation on 8.6.2007, which is submitted pursuant to order dated 3.4.2007

and the said order is interpreted to mean that respondent shall consider the claim of the petitioners, i.e. to engage them in preference to freshers and outsiders in accordance with law, and as according to the petitioners, the respondents are not considering this claim, this furnishes fresh cause of action to the petitioners.

7. In these circumstances, it would be open to the petitioners to approach the Tribunal again with the aforesaid grievance. On moving such an application, the same shall be decided by the Tribunal on merits.

8. With these observations, this petition is disposed of.

A.K.SIKRI, J.

VIPIN SANGHI, J.

August 17, 2007
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